

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM and JANICE FILION, and HOUSE)	
OF SHALOM, et al.,)	
)	3:08-cv-00541-LRH-RAM
Plaintiff,)	
)	<u>MINUTE ORDER</u>
vs.)	
)	July 21, 2009
BOI-CODE ENFORCEMENT LOS ANGELES,)	
COUNTY, CALIFORNIA, et al.,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: ROSEMARIE MILLER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Defendant Litton Loan Servicing LP's (hereafter "Litton") Motion to Dismiss for Failure to State a Claim (#3). Plaintiffs filed an opposition (#8) and Litton has filed a reply (#11).

Plaintiffs' sole opposition to Litton's motion to dismiss is that it is untimely. The fact is that there has been no personal service upon Litton, Litton's appearance in this case was voluntary, and apparently in the interest of presenting its motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiffs are misinformed concerning the requirements of personal service of process required by Federal Rules of Civil Procedure. No defendant has been personally served and this failure was noted by the Clerk of the Court in its Notice Regarding Intention to Dismiss (#20) of February 9, 2009.

In review of Defendant's motion, Plaintiffs' lack of authorities or other grounds to dispute Litton's motion constitutes a consent to the granting of the motion. *See* Local Rules, Part II, LR 7-2(d). Moreover, Litton's motion is substantively merited because Plaintiffs' complaint completely fails to set forth any claim against Litton upon which Plaintiffs would be entitled to recover.

Good cause appearing, Litton's Motion to Dismiss for Failure to State a Claim (#3) is GRANTED.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk